



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

AUG 10 2011

Re: **2909-11 Missouri Avenue, St. Louis, Missouri**
Project Number: **25955**

Dear :

I have concluded my review of your appeal of the decision of Technical Preservation Services (TPS), denying certification of the rehabilitation of the property cited above. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you for speaking with me via conference call on July 22, 2011, and for providing a detailed account of the project.

After careful review of the complete record for this project, and the additional photographs you submitted after our conference call, I have determined that the rehabilitation of 2909-11 Missouri Avenue is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standard 2 of the Secretary of the Interior's Standards for Rehabilitation (the Standards). Therefore, the denial issued on July 5, 2011, by TPS is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

Built in 1918, the building at 2909-11 Missouri Avenue is located in the Benton Park Historic District. It was certified as contributing to the significance of the district on May 10, 2011. The in-progress rehabilitation of this "certified historic structure" was found not to meet the Standards for Rehabilitation owing to the planned relocation of the existing main stairs.

I concur with TPS in its assessments of the overall historic character of the building and of the effect that the planned rehabilitation will have on that character. The building, as TPS noted, is a type quite common in St. Louis: a two-story, four-apartment structure where each apartment has an individual front entrance, with the four doors centered on a shared porch. The middle doors lead to two separate enclosed stairs accessing the two upper floor apartments. The two other doors lead directly into each of the two first floor apartments. The doors and stairs are thus unified features intrinsically related to the overall form and organization of the building, and expressive of it, on the exterior as well as on the interior.

The current rehabilitation proposal will convert the building from four apartments into two, two-story apartments. The proposed conversion will relocate both stairs to a point approximately midway back on the ground floor and insert powder rooms between the relocated stairs and the front doors. I have determined that this treatment will alter this significant, character-defining feature beyond the point of recognition. As a result, I find that the proposal causes the project to contravene Standard 2. Standard 2

states: *"The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."*

Although the proposed rehabilitation is not in conformance with the Standards, I have also determined that the deficiencies discussed above could be remedied if the stairs on either side of the center wall were to be kept in their historic location at the front of the building. I note that the existing stairs do not meet current building codes and have been modified over time. Nevertheless, their location and the overall configuration of the entrances is an integral part of the historic character of the building and must be preserved. Consequently, although rebuilding the stairs to meet codes will require some change to their geometry, the foot of each stair must remain in its approximate historic location in order to preserve the important historic entrance configuration. Further, as TPS noted, the walls separating the stairs from the ground floor units could be opened at the foot of the stairs. In such a revised proposal, it would also be necessary to relocate the new powder rooms from their currently proposed location between the proposed new stairs and the front doors. The configuration of four side-by-side entrance doors must also be retained, although it would be acceptable to render two of them inoperable.

If you choose to proceed with the corrective measures described here, prior to undertaking construction, you should send Part 2 amendments describing the remedial work in detail to TPS, Attention: [redacted] with a copy to the Missouri Department of Natural Resources. I will review any submissions as soon as practicable. Note that this project will remain ineligible for the tax incentives until it is designated a "certified rehabilitation" following completion of the overall project.

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the July 5, 2011, denial that TPS issued regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

cc: SHPO-MO
IRS